

dictator” around the world can have a Bill of Rights. And most of them do. Many of those Bills of Rights are scintillating documents; they are glowing in terms of their expression of individuality and the right of each human to exist and flourish. They will articulate a list of rights that is, in some cases, comparable to, if not even more protective of, individual liberty than our own Bill of Rights.

Yet, as Justice Scalia continued, whether or not that Bill of Rights or any Bill of Rights is worth more than the paper that it is printed on ultimately rests on whether there are protections in place that guard against the dangerous accumulation of power in the hands of the few. That is what makes that difference.

So if we allow a President today to adopt whether you want to call it a tax or a fine or whatever revenue-raising tool that you choose to identify this as being, the President doesn't have the power to impose that. That is a legislative function.

Article 1, section 7 is very clear: You cannot enact legislation, including any legislation collecting revenue from the citizenry without passage in the House, passage in the Senate, and presentment to the President of the United States. He can't do it alone.

That is what this is about. This is about so much more than just this vaccine mandate. But this vaccine mandate in and of itself is wrong. It is unconstitutional. It is harmful, and it has a tendency to undermine the very interest the President purports to be advancing.

THE PRESIDING OFFICER. The Senator from Wyoming.

NOMINATION OF TRACY STONE-MANNING

Mr. BARRASSO. Madam President, I come to the floor today in having heard the Senator from Washington—the senior Senator from Washington, a Democrat leader—talk about something in this Senate Chamber, and she called it outrageous.

Let me tell you what I find outrageous. Outrageous is the fact that people all across this country are facing crisis after crisis, all caused by the Democrats who are in charge of the House, the Senate, and the White House. And on this day, the final day of the fiscal year, we are spending time on a nominee who is completely unfit for the job for which she has been nominated. That is outrageous.

But it has been one outrageous thing after another that I hear about in Wyoming each weekend. In August, it was the chaotic abandoning of Afghanistan, resulting in the deaths of 13 American heroes; hundreds more individuals who lost their lives, or Afghani citizens—one of those brave soldiers, Rylee McCollum, a marine, age just 20, was from Wyoming.

President Biden's activities in Afghanistan, they were outrageous. Because of his hasty retreat, the administration has enraged—enraged—our allies around the world and has

emboldened our enemies at the same time. That is outrageous.

You know what is happening at the southern border?

And I would tell you, our weak immigration policies that resulted in millions of illegal immigrants flooding into our country, that is outrageous.

Across the West, a lack of fire mitigation and tree-thinning lacking has contributed to raging forest fires. These fires threaten lives, communities, and economies.

And here in Congress, Democrats continue to create chaos. Runaway partisan spending has resulted in the biting pain of inflation and spiking costs for families all across the country when they go to the grocery store to buy food or go to the gas station and fill up. That is outrageous.

So with all of these crises occurring across the Nation and the world, what is Leader SCHUMER and the Senate Democrats choosing today as one of their top priority for the Nation?

Well, it is confirming a nominee who has a history of having collaborated with ecoterrorists.

We talk about the threat of terrorism around the world and the threat of terrorism at home, and yet the Democratic leader is bringing to the floor today a nominee of the President of the United States and, apparently, endorsed and agreed to by all of the Democrats, who has a history of ecoterrorism and has been involved in such. It is confirming a nominee who collaborated with ecoterrorists, lied to the U.S. Senate, wrote in favor of population control as a problem related to the climate, and promoted the idea that homes built in the forest should be left to burn. This is outrageous.

President Biden has nominated someone named Tracy Manning to serve as the Director of the Bureau of Land Management. Across the West, it is known as the BLM.

Ms. Stone-Manning lied to the Senate—lied to this very Senate this year about her past association with an ecoterrorist cell that hammered hundreds and hundreds of metal spikes—about 500 pounds of metal spikes—into trees in Idaho's Clearwater National Forest.

If these metal spikes are struck by a logger's saw, the injuries to the logger can be fatal. And it is not just loggers who use saws; it is firefighters as well, going in to help fight fires. The same impact would occur to them.

Ms. Stone-Manning anonymously sent a threatening letter to the U.S. Forest Service on behalf of the ecoterrorists, of which she was one of the ring leaders, and then spent years covering up their crimes, as well as her own.

The lead investigator on the case sent a letter to our committee, the Energy and Natural Resources Committee. The lead investigator sent that letter to the committee to say that Ms. Stone-Manning was investigated and she refused to cooperate as a result of the crime.

She had years to come forward, years to reveal the crimes, and she never did. It wasn't until after she was caught and she was promised immunity and she received that immunity—it was only then that she agreed to testify.

Earlier this year, Ms. Stone-Manning lied to the Senate Energy and Natural Resources Committee about her involvement as an ecoterrorist and in ecoterrorism. When asked if she had ever done anything to support tree spiking in any forest, she replied “No.”

This is blatantly false. Ms. Stone-Manning's troubling record goes beyond lying and collaborating with ecoterrorists. She has written articles and a graduate thesis supporting the idea of human population control.

And 1 year ago—not when she was a graduate student a number of decades ago, but 1 year ago—she tweeted an article that her husband had written, calling for homes built in the forest, allowing them to burn during fires. She called the article a “clarion call.”

Now, this is for the person nominated to be the head of the Bureau of Land Management—a clarion call. That is not part of the responsibilities and is the exact opposite of what we should expect from the head of the Bureau of Land Management.

Tracy Stone-Manning is a dangerous choice to be put in charge of America's public lands. And each and every Senator who votes to confirm her will be held personally responsible for that vote. Her nomination has been publicly opposed by the last two—the last two—BLM Directors, by outdoor organizations, by sportsman's groups, pro-life organizations, by loggers, by the Western States Sheriffs' Association. The list goes on and on.

And might I mention that one of those past two BLM Directors was President Obama's BLM Director, who said she was unfit for the position to which President Biden had nominated her.

She is the wrong choice for this job. She should never be confirmed, but that is exactly what Senate Democrats want to do today; and that is outrageous.

At a time when America is facing mounting crises, Senate Democrats, each and every one, is determined to confirm a nominee who collaborated with ecoterrorists, lied to the U.S. Senate, and continues to hold very dangerous views.

I emphatically oppose her nomination. Every single Republican in the Senate opposes her nomination, and I urge courageous Democrats to stand up and do the same.

I yield the floor.

THE PRESIDING OFFICER (Ms. CORTEZ MASTO). The Senator from West Virginia is recognized.

Mr. MANCHIN. Madam President, my dear friend from Wyoming, we agree on a lot of things; we just happen to see this one different. We disagree.

I rise in support of the motion to invoke cloture on a nomination of Tracy

Stone-Manning to be the Director of the Bureau of Land Management. I do so after giving very, very, very careful consideration to this serious—and I mean serious—allegations that many of our colleagues have leveled against her.

If there were any truth—a shred of truth—or evidence to support the charges, I wouldn't be standing here; I couldn't support her. But I have found no such evidence, and I have looked.

Now, I have said this: Every one of us, we are entitled to our own opinion here. And we are not bashful to sharing that opinion with others. We are just not entitled to create our own facts to support our opinions. That is it. All I am asking for is look at the facts. That is all.

The facts surrounding the spiking of the trees in the Clearwater National Forest in March of 1989 are well known. It is public. They are known because the facts were tried by a jury in a Federal district court in Spokane, WA, in June of 1993.

I still believe we all believe the rule of law applies to all of us, and that is who we are. Trial by jury is how we find facts and discover the truth in this country. That is it. It is the keystone in our criminal justice system.

A jury heard the evidence in the tree-spiking case. They weighed its credibility and reached a unanimous verdict that four men spiked the trees.

I repeat: Four help spiked the trees in the Clearwater National Forest.

All four of them admitted that they spiked trees. All four of them admitted they spiked these trees. And each identified the other three as their accomplice. Each one identified the other.

And you know what. Ms. Stone-Manning was not one of them. None of the four said she was.

Opponents of her nomination are now seeking to impute the guilt of the confessed and convicted tree spikers to her. But Ms. Stone-Manning was never charged with tree spiking. She was never indicted or tried. There is no evidence in the trial record that she participated in the tree spiking. Her opponents claim that is because she was given immunity for her testimony.

I have heard that, so I want to investigate that.

But while the Federal prosecutor agreed not to use her testimony against her, she still could have been prosecuted if there was any other evidence against her. If there was any evidence against her, she could have been prosecuted. But there wasn't. And no charges were ever brought against her—none.

Finally, opponents of Ms. Stone-Manning's nomination accused her of lying to the Committee on Energy and Natural Resources, which is the committee that I do chair and the committee, Madam President, that you sit on with us so honorably. On her committee questionnaire, they said she lied to us.

As the Chairman of that committee, I took that allegation seriously. I

wanted to find out if she lied to us or not.

Each nominee that comes to the Committee on Energy and Natural Resources is asked whether he or she has ever been investigated, arrested, or charged with a violation of law.

Ms. Stone-Manning responded, "No, I have never been arrested or charged and to my knowledge I have never been the target of such an investigation."

She then went on to disclose that she testified before a Federal grand jury as part of a tree-spiking investigation in 1989, and later testified at the tree-spiking trial. This allegation seems to be that her response was false and misleading because she was subpoenaed, because she was asked to come and testify and had been required to give fingerprints and hair samples to the grand jury investigating the tree spiking in 1989.

Being required to testify or give physical evidence to a grand jury does not make someone the target of a grand jury investigation. It just doesn't.

Again, I go back to the rule of law, which is unique in this world today that we are still able to treat everybody as innocent until proven guilty. And there is no evidence, and she was not involved.

The Justice Department defines a "target" as someone the grand jury is considering indicting. That is the target: They are considering to go after you.

The Federal prosecutor in the case asked the Forest Service's criminal investigator—they asked the criminal investigator whether the investigation in 1989 had identified possibly anyone as a subject in the investigation. The Forest Service investigator replied under oath—I repeat: under oath—no; no, it didn't happen.

She could not have been a target of an investigation that had not identified her or anyone else as a subject. Her response is further corroborated by recent comments in the press made by the former Assistant United States Attorney who prosecuted this trial.

You being a prosecutor, Madam President, understands.

They prosecuted the tree-spiking case. This is the person who did that, who confirmed—he confirmed that Ms. Stone-Manning was not a target of the investigation in 1993. He confirmed that.

In sum, I am unable to find any credible evidence in the exhaustive trial record of the tree-spiking case that supports the allegations levied against Ms. Stone-Manning. What I find instead in the committee's hearing record on her nomination is compelling evidence that Ms. Stone-Manning has built a solid reputation over the past three decades as a dedicated public servant and someone who has worked with one of our colleagues, a dear friend of ours from Montana, who is about to say what he believes in his heart, and as he knows, as that person's credibility.

As a problem-solver, she has been and is a consensus-builder. She faithfully served Senator TESTER for 5 years in a position of trust and responsibility on his staff. She went on to serve Governor Bullock of Montana for 2 years as director of Montana's Department of Environmental Quality and 2 more as Governor Bullock's chief of staff. That is the evidence on which I will base my vote to support her, and I would encourage every one of my colleagues to do the same.

This is a person who basically has given herself to public service. This is a person, as a youth, basically in her compassion—all of the things she might have believed does not make her guilty. This is a person who basically deserves an opportunity to be able to serve all of us in America with her knowledge, her desire, and her absolute, unwavering dedication to the outdoors and everything that we hold near and dear.

I just want to say that we are not here to prosecute people. That is not our job. We are not here to pass judgment, basically, once judgment has already passed and basically regurgitate something that is not credible. So I say again: You are truly entitled to your own opinion. You really are. But before you pass judgment, look at the facts. It could be you. It could be me. That is not going to happen.

So with that, I urge my friends, I urge all of them to please—John Adams, the first person to preside in the Senate, said:

Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passion, they cannot alter the state of facts and evidence.

They cannot. So let us put our partisan passions aside. Put them aside and look at the facts. Let's vote to confirm Ms. Stone-Manning's nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, for Senator TOOMEY, I won't be long because it doesn't take long to tell the truth.

I am here to support Tracy Stone-Manning as next Director of the BLM. Why? Because she understands the value of public lands. She understands public lands need to be managed and need to be managed in a way so they can stay in public hands. She understands that the way you get things done is, be collaborative, bring people together, and talk issues out. That is Tracy Stone-Manning.

I often wonder on the Senate floor, if you tell a lie enough times, if it becomes the truth. The chairman of the Energy and Natural Resources Committee has laid out the facts. And the truth is, Tracy Stone-Manning did nothing wrong. In fact, the people who went to jail went to jail because of Tracy Stone-Manning.

But that aside, character assassination isn't something we should put up with in this body. God only knows, if

we look back into the past of everybody who serves here, what we might find.

But I am here to tell you, to listen to the Senator from Wyoming stand up and say: We are going to hold every Democrat accountable—you are damn right. Hold me accountable for Tracy Stone-Manning. I worked with her. I know what she does. I know she can get the job done. She can bring people together of all political ilk, and she can do what is necessary for the American people—in this case, with our public lands.

I am going to point out one thing that Tracy Stone-Manning did that was wrong. She actually agreed to be Governor Bullock's chief of staff. If somebody wants to go into the investigation and find out what has happened over the last 3 years with the Governor running against a sitting Senator in this body and her being the Governor's chief of staff, you will find out why folks stand up and make stuff up about Tracy Stone-Manning because the facts don't back up what they are saying.

Yes. Listen to it again. If you are out there, the folks who have come to the floor on the Republican side of the aisle and bashed Tracy Stone-Manning—the facts don't back up what the claims are, and the character assassination is not something you should be proud of. Ye who throws stones ought to be very, very careful.

With that, I want to say this: Tracy Stone-Manning is not new to this process. She has been a leader. She is somebody who knows how to bring people together. She is somebody who has utilized our public lands. She is somebody who knows how valuable these public lands are. She is somebody who will do a great job as the head of the BLM.

I encourage any of the Senators on the other side of the aisle to take up any other claims with me, not her. I would love to answer them.

I encourage this body to vote for the confirmation of Tracy Stone-Manning because it is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

NOMINATION OF ROHIT CHOPRA

Mr. TOOMEY. Madam President, I rise to oppose the nomination of FTC Commissioner Rohit Chopra to be the CFPB Director.

In the Banking Committee, every Republican voted against him, and on the Senate floor, Republicans have uniformly voted against discharging his nomination from the committee. There is a reason for that. I think my colleagues have the same grave concern that I have that Commissioner Chopra would return the CFPB to the lawless, overreaching, highly politicized Agency that it was during the Obama administration when he was there.

CFPB, as you will recall, was created by our Democratic colleagues through

the Dodd-Frank Act, and it was arguably the most unaccountable Agency in the history of the U.S. Federal Government. Think about it. It is an Agency with a single Director who, until recently, even the President of the United States was unconstitutionally forbidden from firing.

This Agency is not accountable to Congress through the appropriations process the way most Agencies are. Most rely on appropriations from Congress for their funding. That is part of our power of the purse strings. Not with the CFPB. It simply draws virtually unlimited funding at its discretion from the Federal Reserve, whether Congress likes it or not.

Now, during the Obama administration, the CFPB systematically pursued an activist, anti-business agenda. It limited consumer choice, it drove up the cost of credit for consumers, and it certainly unfairly burdened employers with overregulation.

CFPB repeatedly engaged in overreach and abuse of its authority. Just one example: Instead of clearly laying out the rules of the road through a transparent regulatory process, it would invent rules on its own by springing lawsuits on the financial institutions that had no way of knowing that they were engaged in anything that the CFPB objected to because there was no rule. It was just rule-making by enforcement. The DC Circuit Court of Appeals, quite rightly, held that this approach violates the fundamental bedrock principle of due process.

But that is not all. Commissioner Chopra helped set up the CFPB, and then he served as a very high-ranking official there during the Obama administration. In that role, it has been widely acknowledged that he had a hostile relationship with lenders. He used "name and shame" tactics to pressure them. In one case, he took the "shoot first; aim second" approach to the facts by posting online inaccurate allegations about credit unions, which the CFPB then later had to retract.

At the FTC, Commissioner Chopra has continued his aggressive anti-business stances, and he has continued to take a "shoot first; aim later" approach to the facts in order to advance his agenda. In one recent case, three of his fellow Commissioners publicly rebuked Commissioner Chopra for "his disregard of the facts and the law, for making misleading claims, and for relying on false assertions."

During this whole nomination process, while Commissioner Chopra is under consideration to lead the CFPB, he has done very little to alleviate these concerns.

I asked him a request for the record. Given its history, given the actions that have been overturned by courts, was there a single CFPB enforcement action that Mr. Chopra believed was too burdensome or was too punitive? He couldn't identify a single one.

In addition, Commissioner Chopra favors unaccountable regulators with vast powers. He actually in writing proposed this superagency that would regulate politicians and think tanks and nonprofits. At his nomination hearing, Commissioner Chopra once again defended the CFPB's completely unaccountable structure.

All this raises concerns about how he would wield power at the CFPB. Remember, at the CFPB, he would not be accountable to Congress in any meaningful way, certainly not through the appropriations process, and since the CFPB is a single Director Agency, there would be no other Commissioners to restrain him.

Commissioner Chopra has also shown a complete disregard already for congressional oversight. According to multiple press reports, the Biden administration's political leadership at the CFPB has been taking unusual and possibly unlawful actions to push out top-level career, nonpolitical civil servants at the CFPB in order to fill those civil service positions with handpicked activists who will support the Biden agenda. Now, the implication has been that this was done in preparation for Commissioner Chopra taking over as the Director.

These were just allegations, but there were several of them. There was some credibility to them. So I sent Commissioner Chopra a letter simply asking in a straightforward way whether he was aware of or whether he had been involved in any efforts to dismiss these career civil servants at the CFPB. It has been over 100 days since I asked him these simple, straightforward questions, and he has refused to provide any response to me.

His refusal to respond to my oversight requests—I am the ranking member of the committee that has jurisdiction over the organization he is meant to lead. This refusal to respond to a simple oversight request is completely unacceptable from a nominee, and it leaves very little doubt how he will treat congressional oversight if he is confirmed.

As all of the Republicans on the Banking Committee have stated, "In our view, this should disqualify [him] from consideration as CFPB Director."

It is clear to me that Commissioner Chopra would very likely return the CFPB to the rogue, unaccountable, anti-business Agency it was during the Obama administration. We have every reason to believe he would continue to disregard legitimate congressional oversight requests.

I urge my colleagues to join me in voting against his confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I come to the floor for the opposite reason. I am thrilled to rise to urge my